



REMARKS

At the outset applicants wish to thank the Examiner for allowance of claims 7 and 9-14 and for indication of allowable subject matter in claims 4-6 and 8. Claim 4 has been rewritten in independent form as requested and accordingly it is believed that claim 4 and its dependent claims 5, 6 and 8 are now allowable.

Claims 1-3 have been rejected under 35 U.S.C. § 103 as unpatentable over the newly cited published application of Flanders (US 2003/0011864), particularly at Fig. 5. These rejections are believed applicable to the claims as amended to recite the function of the actuator tilting "to direct the reflected light onto the optical output location."

It can readily be seen that Flanders, directed to a tiltable Fabry-Perot filter. The function of the tilting is quite different. While tilting applicants' device controllably directs a beam reflected by the curved mirror tilting the Flanders device simply spoils "the Fabry-Perot cavity, i.e. prevents an output, so that the filter can be "hitlessly" tuned. The devices are thus quite different and the tilting performs completely opposite functions. Thus Flanders neither discloses nor suggests the invention of amended claim 1 nor its dependent claims 2, 3 and 15, 16.

In view of the foregoing it is submitted that all claims now patentably distinguish from all cited art and this case is now in condition for allowance. Reconsideration and favorable action in this regard is therefore earnestly solicited.

Respectfully submitted,

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